6925973/2023/OP-I-AGC01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Cooperation Department – Departmental proceedings initiated by framing article of charge against Smt. L. Kalika Devi, the then Divisional Cooperative Officer, Machilipatnam, Krishna District and Deputy Registrar(now Retired) on the allegations of irregularities and misappropriation of election funds in conducting elections to PACSs, 2013 in Krishna District - Inquiry conducted – Charge held proved – Imposing of penalty – Orders – Issued.

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AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.Rt.No.61 **Dated:24.01.2023**

Read the following:-

1. Vigilance Report No.38 (C.No.876 /V&E/D2/2013), dated:15-04-2019 of the D.G., G.A.(V&E) Dept.
2. Govt.Memo.No.AGC01-COOP/138/2019-VIG.II, dated:03-09-2019.
3. Procgs.No.AGCO6-11031(37)/2/2020-SEVCES-CCRCS, dated:21-08-2020 of the CC&RCS, AP, Guntur.
4. Written statement of defence dated:15-09-2020 of Smt. L.Kalika Devi, Deputy Registrar/Divisional Cooperative Officer, Gudivada, Krishna District.
5. Procgs.No.AGCO6-11031(37)/2/2020-SEVCES-CCRCS, dated:18-11-2020 of the CC&RCS, AP, Guntur.
6. Inquiry report dated:28-01-2021 of the Inquiring Authority & District Cooperative Officer, East Godavari District, Kakinada.
7. Govt.Memo.No.AGC01-COOP/138/2019-VIG.II, dated:29-06-2021.
8. Representation dated:09-08-2021 of Smt.L. Kalika Devi, the then Divisional Cooperative Officer(FAC)(Retired), Machilipatnam.
9. Govt.Memo.No.AGC01-COOP/138/2019-VIG.II, dated:29-09-2022.
10. Representation dated:05-11-2022 of Smt.L. Kalika Devi, the then Divisional Cooperative Officer, Machilipatnam & Divisional Cooperative Officer(Retired), Gudivada, Krishna District.
11. Govt.Letter No.AGC01-COOP/138/2019-VIG.II(952343), dated:15-12-2022.
12. Letter No.GAD03-APPS0DCC/127/2022-DC SEC-APPSC (Computer No.1943310), dated:11-01-2023 of the Secretary, APPSC, Vijayawada.

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O R D E R:

Based on the Vigilance Report No.38, dated:15-04-2019 of the Vigilance & Enforcement Department, on the allegations of irregularities and misappropriation of election funds in conducting elections to PACSs, 2013 in Krishna District, the Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Guntur had initiated departmental proceedings by framing the following article of charge against Smt. L. Kalika Devi, the then Divisional Cooperative Officer, Machilipatnam, Krishna District and Deputy Registrar in the reference 3rd read above:-

(P.T.O.)

Article of Charge:

"That Smt. L. Kalika Devi, the then Divisional Cooperative Officer, Machilipatnam and presently working as Divisional Cooperative Officer, Gudivada has conducted election to Cooperative Societies in the year 2013 in Machilipatnam division of Krishna District and committed irregularities by misappropriating the election funds".

2. The Charged Officer has submitted her written statement of defence dated:15-09-2020 denying the charge framed against her. Since the written statement of defence was not found satisfactory, the Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Guntur appointed the District Cooperative Officer, Kakinada, East Godavari District as Inquiring Authority to conduct regular inquiry into the charge framed against the Charged Officer in the reference 5th read above.

3. After conducting the regular inquiry, the Inquiring Authority has submitted the inquiry report on 28-01-2021. The findings of the Inquiring Authority are as follows:-

i. With regard to misappropriation of election fund of Rs.4,89,509/- in the name of car/auto/buses hire charges without maintaining any log books in support of hiring and without permission, since the vehicles were hired for lump sum amount without supply of oils, the C.O. stated that there is no need to maintain of log books. The explanation is convincing, however, the C.O. has not obtained any written permission from the District Election Authority. Hence, this allegation is partially proved.

ii. With regard to payment of Rs.4,09,051/- as remuneration to the office staff on election duty and an amount of Rs.1,78,740/- incurred for purchase of office furniture irregularly, since the expenditure was incurred by the C.O. without prior approval by the competent authority, this expenditure shall be treated as irregular expenditure. Hence this allegation was held proved.

iii. With regard to misappropriation of election fund of Rs.3,51,216/- in the name of hire charges of five buses and seven other vehicles, which are motor cycle/fake vehicles, the C.O. has totally failed to take prior permission from the District Election Authority before hiring of vehicle, before making payment of remuneration to the staff and before purchase of required furniture. It shall be considered that any expenditure without prior permission from the competent authority can be treated as irregular expenditure but it should not be treated as misappropriation as pointed out in the Vigilance Report. It is construed that there was a gross procedural lapses for the said expenditure instead of misappropriation and it is concluded that the charge is held proved.

4. In the reference 7th read above, the inquiry report was communicated to the Charged Officer calling for her explanation. In turn, the Charged Officer has submitted her representation dated:09-08-2021 requesting to exonerate her from the charge, as she already retired from the Government service on attaining the age of superannuation of 60 years of service by 31.12.2020.

5. Government, after careful examination of the matter with reference to the record of inquiry, have observed that the Inquiring authority has held

(Contd..3)

that one charge is partially proved and two other charges are proved. But the essence of delinquency is in not obtaining prior approval of competent authority in incurring certain expenditure. The Inquiring Authority has also recommended for recovery of such expenses. But a reading of the comparative expenditure across the State indicates that the average expenditure in Krishna district is below the State average. It appears the expenditure is justifiable but for not taking prior approval and not following norms thereof. As the Charged Officer has failed to take needed approval from competent authority, she needs to be punished for the same and recovery of incurred expenditure may not be justified. Since the Charged Officer is already retired, Government have provisionally decided to impose a penalty of withholding of 5% pension for a period of five years against Smt. L. Kalika Devi, the then Divisional Cooperative Officer(FAC) (now Retired), Machilipatnam, Krishna District under Rule 9 of A.P.Revised Pension Rules, 1980, in the instant disciplinary case. Accordingly, a Show Cause Notice dated:29-09-2022 was served on the Charged Officer.

6. In response to the Show Cause Notice, the Charged Officer viz. Smt. L. Kalika Devi, Divisional Cooperative Officer(Retired), Gudivada, Krishna District has submitted her representation dated:05-11-2022 requesting to withdraw the provisional conclusion of imposing a penalty of withholding 5% pension for a period of 5 years under Rule-9 of A.P. Revised Pension Rules, 1980 against her.

7. After thorough examination of the matter with reference to the record of inquiry, Government have decided to impose a penalty of withholding of 5% pension for a period of five years against Smt. L. Kalika Devi, the then Divisional Cooperative Officer, Machilipatnam & Divisional Cooperative Officer(Retired), Gudivada, Krishna District under Rule 9 of A.P.Revised Pension Rules, 1980, in the instant disciplinary case. Accordingly, A.P.Public Service Commision was addressed for their concurrence vide reference 11th read above.

8. In the reference 12th read above, the Secretary, A.P.Public Service Commission, Vijayawada has informed that, after careful examination of the disciplinary case in the light of the records made available, Commission agrees with the proposal of the Government to impose a penalty of withholding of 05% pension for a period of (05) five years against Smt. L. Kalika Devi, Divisional Cooperative Officer, Machilipatnam, Krishna District and Deputy Registrar(now Retired) and advises accordingly.

9. Government, after careful examination of the entire matter, hereby order to impose a penalty of withholding of 05% (five percent) pension for a period of (05) five years against the Charged Officer viz. Smt. L. Kalika Devi, the then Divisional Cooperative Officer, Machilipatnam & Divisional Cooperative Officer(Retired), Gudivada, Krishna District under Rule 9 of A.P.Revised Pension Rules, 1980, in the instant disciplinary case.

10. The Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Guntur shall take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHIRANJIV CHOUDHARY, IFS,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Smt. L. Kalika Devi,
The then Divisional Cooperative Officer, Machilipatnam &
Divisional Cooperative Officer(Retired), Gudivada, Krishna District.
(Through:- The Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Guntur)

Copy to:-

The Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Guntur.
The General Administration(V&E) Department.
The General Administration(SC.D) Department.
The Accountant General, A.P., Vijayawada.
The Secretary, A.P.P.S.C., Vijayawada.
The Secretary, A.P.V.C., A.P. Secretariat.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER